

REMARKS

In the non-final Office Action, dated April 11, 2008, the Examiner rejects claims 1-22 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 6,089,716 to Lashkari et al. (hereinafter “LASHKARI”). Applicant respectfully traverses this rejection.¹

By way of this Amendment, Applicant amends claims 1, 6, 7, 11, 15, 16, 18, 19, 21 and 22 to improve form and cancels claims 10, 14 and 20 without prejudice or disclaimer. Support for the amendments can be found, for example, in original claims 10, 14, 16, and 22. No new matter has been added. Claims 1-9, 11-13, 15-19, and 21-22 are pending.

Pending claims 1-9, 11-13, 15-19, and 21-22 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by LASHKARI. Applicant respectfully traverses this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. LASHKARI does not disclose the combination of features recited in Applicant's claims 1-9, 11-13, and 15-22.

For example, amended independent claim 1 is directed to a picture system for ophthalmic operation that includes a near-infrared microscope for irradiating near-infrared rays emitted from a light source to an affected part through an objective lens, and

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

transmitting near-infrared images formed by the objective lens to first and second ocular lenses; an image acquisition apparatus for converting the near-infrared images transmitted to the first and the second ocular lenses into first and second electrical image signals for output, wherein the image acquisition apparatus is detachably combined with the first and the second ocular lenses; a display apparatus for receiving the first and the second image signals, and outputting the first and second image signals in three-dimensions, the display apparatus including a plurality of display units, wherein each of the display units receives and outputs the first and second electrical image signals; and an image distributor for distributing and transmitting the first and the second electrical image signals from the image acquisition apparatus to the display units. LASHKARI does not disclose or suggest this combination of features.

For example, LASHKARI does not disclose or suggest an image acquisition apparatus for converting near-infrared images transmitted to first and second ocular lenses into first and second electrical image signals for output, wherein the image acquisition apparatus is detachably combined with the first and the second ocular lenses, as recited in amended claim 1. The Examiner relies on col. 9, lines 49-56; col. 11, lines 40-49; and items 270 and 270' of Fig. 3 of LASHKARI for allegedly disclosing "an image acquisition apparatus for converting near-infrared images transmitted to the first and second ocular lenses into a first and second electrical image signals for output" (Office Action, p. 3). Applicant submits that these sections, or any other sections, of LASHKARI do not disclose or suggest the above feature of amended claim 1.

Col. 9, lines 49-56, which describe items 270 and 270' of Fig. 3, of LASHKARI disclose:

The imaging sensors 270, 270' may be solid state CCDs or camera tubes, such as those found in video cameras, which are sufficiently sensitive to the radiation wavelengths of interest, including the near infrared spectrum. Other suitable devices, intensifiers suitable for night vision, may be used, thereby combining in a single device, imaging sensors 270, 270' and visible displays 285, 285', as discussed herein below.

This section of LASHKARI discloses that imaging sensors 270 and 270' may be solid CCD devices or camera tubes, which are sufficiently sensitive to the radiation wavelengths of interest, including the near infrared spectrum. This section of LASHKARI does not disclose or suggest that the imaging sensors are detachable or can be separated from their attachments. Therefore, this section of LASHKARI does not disclose or suggest an image acquisition apparatus for converting near-infrared images transmitted to first and second ocular lenses into first and second electrical image signals for output, wherein the image acquisition apparatus is detachably combined with the first and the second ocular lenses, as recited in amended claim 1.

Col. 11, lines 40-49 of LASHKARI disclose:

In the case of LCDs, on the back surface thereof there are provided preferably with back lights to illuminate the LCDs. Ocular lens 295, 295' may be used to expand the visible fundus images to a desired magnification, typically 5.times. or less. Ocular eyepieces 295, 295' may be movable along the optical axis a few millimeters, for example, by rotating a collar (not shown) so as to compensate for ametropia in the observer. Each of the ocular lenses 295, 295' provides a virtual image of the visible display image of the fundus image, preferably at or near infinity so that a normal relaxed eye can comfortably view it. Each virtual image, however, is along a different viewing axis.

This section of LASHKARI discloses that if LCDs are used for the displays, back lights are provided for illuminations. Ocular lenses 295 and 295' may be provided to expand the visible images, and may be movable by a few millimeters to compensate for refractive errors due to ametropia. This section of LASHKARI does not disclose or suggest that the ocular lenses are detachable. In fact, Fig. 2 of LASHKARI teaches away from the ocular lenses being detachable by showing them coupled to image sensors 270 and 270' and as integrated parts of the ophthalmoscope. Therefore, this section of

LASHKARI cannot disclose or suggest an image acquisition apparatus for converting near-infrared images transmitted to first and second ocular lenses into first and second electrical image signals for output, wherein the image acquisition apparatus is detachably combined with the first and the second ocular lenses, as recited in amended claim 1.

Furthermore, LASHKARI does not disclose or suggest a display apparatus for receiving first and the second image signals, and outputting the first and second image signals in three-dimensions, the display apparatus including a plurality of display units, wherein each of the display units receives and outputs the first and second electrical image signals, as also recited in amended claim 1. This feature is similar to a feature previously recited in claim 10 (now cancelled). In rejecting claim 10, the Examiner relied on items 285, 285', and 290 of Fig. 3 for allegedly disclosing a plurality of display units (Office Action, p. 5). Applicant disagrees with the Examiner's interpretation of LASHKARI.

Col. 11, lines 13-37 of LASHKARI describe elements 285, 285' and 290 of Fig. 3 of LASHKARI. This section of LASHKARI discloses that displays 285 and 285', which photoelectrically convert an aerial image taken through lenses by means of image sensors and display images of the retina, may be color LCDs, monochrome LCDs, or CRTs. In addition to visible displays 285 and 285', a television monitor 290 may also be connected to at least one of the imaging sensors to display the fundus image for teaching purposes.

The Examiner relies on displays 285 and 285' as allegedly corresponding to a plurality of displays. However, claim 1 does not merely recite a plurality of displays. Claim 1 recites that a display apparatus for receiving first and second image signals includes a plurality of displays. In contrast, in Fig. 3 of LASHKARI, the first and second

image signals are each received by a different display apparatus. In other words, the first image signal is received by display 285, and the second image signal is received by display 285'. Display 285 outputs the left signal only and display 285' outputs the right signal only, as shown in Fig. 3 of LASHKARI. Therefore, neither display 285 nor display 285' of LASHKARI can correspond to a display apparatus for receiving first and second image signals includes a plurality of displays, as recited in claim 1. Thus, this section, or any other section, of LASHKARI cannot disclose or suggest a display apparatus for receiving first and the second image signals, and outputting the first and second image signals in three-dimensions, the display apparatus including a plurality of display units, wherein each of the display units receives and outputs the first and second electrical image signals, as also recited in amended claim 1.

Additionally, LASKARI does not disclose or suggest an image distributor for distributing and transmitting first and the second electrical image signals from an image acquisition apparatus to a plurality of display units, as also recited in amended claim 1. This feature is similar to a feature previously recited in claim 10 (now cancelled). In rejecting claim 10, the Examiner relied on items 285, 285', and 290 of Fig. 3 (Office Action, p. 5). Applicant disagrees with the Examiner's interpretation of LASHKARI.

The Examiner did not indicate which elements of LASHKARI allegedly correspond to an image distributor, as recited in original claim 10 (Office Action, p. 5). If this rejection is maintained, Applicant respectfully requests that the Examiner specifically point out which element of LASHKARI allegedly corresponds to an image distributor.

Nevertheless, Applicant submits that LASHKARI cannot disclose or suggest an image distributor for distributing and transmitting first and the second electrical image signals from an image acquisition apparatus to a plurality of display units, since as discussed above, LASHKARI discloses transmitting an electrical image from image sensor 270 to a single display 285 (or from image sensor 270' to single display 285'). Therefore, this section, or any other section, of LASHKARI does not disclose or suggest an image distributor for distributing and transmitting first and the second electrical image signals from an image acquisition apparatus to a plurality of display units, as also recited in amended claim 1.

For at least the foregoing reasons, Applicant submits that claim 1 is not anticipated by LASHKARI. Accordingly, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. § 102(b) based on LASHKARI be reconsidered and withdrawn.

Pending claims 2-9 and 11-13 depend from claim 1. Therefore, claims 2-9 and 11-13 are not anticipated by LASHKARI for at least the reasons set forth above with respect to claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 2-9 and 11-13 under 35 U.S.C. § 102(b) based on LASHKARI be reconsidered and withdrawn.

Amended independent claims 15 and 21 recite features similar to, yet possibly of different scope than, features recited above with respect to claim 1. Therefore, these claims are not anticipated by LASHKARI for at least reasons similar to the reasons set forth above with respect to claim 1. Accordingly, Applicant respectfully requests that the

rejection of claims 16-20 under 35 U.S.C. § 102(b) based on LASHKARI be reconsidered and withdrawn.

Pending claims 16-19 depend from claim 15. Therefore, claims 16-19 are not anticipated by LASHKARI for at least the reasons set forth above with respect to claim 15. Accordingly, Applicant respectfully requests that the rejection of claims 16-19 under 35 U.S.C. § 102(b) based on LASHKARI be reconsidered and withdrawn.

Claim 22 depends from claim 21. Therefore, claim 22 is not anticipated by LASHKARI for at least the reasons set forth above with respect to claim 21. Accordingly, Applicant respectfully requests that the rejection of claim 22 under 35 U.S.C. § 102(b) based on LASHKARI be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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